



Crl.O.P.No.27469 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2024

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.27469 of 2022
and Crl.M.P.No.16913 of 2022

U.Palanivel

... Petitioner

Vs.

1. The State, Rep by. Its,
The Inspector of Police,
Voimedu Police Station,
Voimedu,
Vedaranyam Taluk,
Nagapattinam District.
(Crime No.795 of 2020)

2. Priya

...Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records pertaining to the Charge Sheet in Spl.S.C.No.04 of 2021 on the file of the Court of Special Court Under POCSO Act, Nagapattinam and quash the same.

For Petitioner : Mr.R.Muruga Bharathi
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
For R2 : Mr.C.Venkatesan



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ORDER

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This Criminal Original Petition has been filed to call for the records in Spl.S.C.No.04 of 2021 on the file of the Court of the Special Court Under POCSO Act, Nagappattinam and quash the same.

2. Heard the learned counsel for the petitioner, the learned counsel for the second respondent and the learned Government Advocate (Crl side) appearing for the 1st respondent police.

3.Today, when the matter is taken up for hearing, both parties along with their respective counsel have appeared before this court. Further, A memo of compromise has been filed by the defacto complainant/second respondent and the petitioner before this Court. As per the terms of memo of compromise stated that the defacto complainant /second respondent is not inclined to proceed with the case in Spl.S.C.No.04 of 2021 and the withdraw the complaint. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves before this Court.

4. On seeing the entire records, it reveals that the case was



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registered in Crime No.795 of 2020 for the offence punishable under Sections 341, 294(b), 326, 506(2) of IPC as against the petitioner and 6 other accused persons. As per the complaint that her husband was attacked by the accused persons. Therefore, the FIR was registered, based on the FIR , the petitioner was implicated in this case as if the accused persons have attempted to misbehave with the minor child and the statement of 164 has been recorded. Further, already there was dispute between them and in order to harass the petitioner, a false case has been given. Therefore, there is no prima facie materials on the side of the prosecution to implicate this petitioner for the offence under Section 12 of POCSO Act.

5. Considering the memo of compromise filed by both parties, before this Court, this Criminal Original Petition stands allowed and the proceedings in Spl.S.C.No.04 of 2021 on the file of the Special Court Under POCSO Act, Nagapattinam, is quashed and the terms of memo of compromise has been filed by the petitioner and the second respondent,

T.V.THAMILSELVI, J.

msrm



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dated 25.03.2024, shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed. No costs.

25.03.2024

Speaking / Non Speaking order

Neutral Citation : Yes/No

Index : Yes/No

msrm

To

1. The Judge, Special Court Under POCSO Act, Nagapattinam.
2. The Inspector of Police,
Voimedu Police Station,
Voimedu,
Vedaranyam Taluk,
Nagapattinam District.
3. The Public Prosecutor
High Court of Madras.

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